

REMARKS

Claims 1-49 were pending in the application when the present Office Action was mailed (August 29, 2008). In this paper, claims 1, 2, 6, 12, 21, 29, 31, 37, 38 and 42 have been amended for purposes of clarification and without prejudice to pursuing these claims in unamended or other forms in a continuation or other application.

In the August 29, 2008 Office Action, claims 1-49 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

1. Claims 1, 2, 6, 12, 21, 29, 31, 37, 38 and 42 were objected to because of informalities;
2. Claims 1, 3, 6, 8, 12, 14, 21, 23, 29, 31, 42, 44 and 47 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,158,754 issued to Anderson ("Anderson");
3. Claims 2, 4, 5, 13, 15, 16, 22, 24, 26, 30, 32, 33, 43 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of U.S. Patent No. 7,158,754 issued to Amorai-Moriya ("Amorai-Moriya");
4. Claims 7, 9, 17, 25, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of U.S. Patent Publication No. 2004/0021461 to Goldfine et al. ("Goldfine");
5. Claims 10, 11, 18, 20, 28, 35, 37, 46 and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of U.S. Patent No. 6,177,792 issued to Govari et al. ("Govari");
6. Claims 19, 27, 36 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of U.S. Patent No. 6,201,987 issued to Dumoulin ("Dumoulin");
7. Claims 38 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Dumoulin;

8. Claim 39 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Dumoulin and further in view of Goldfine; and
9. Claim 40 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Dumoulin and further in view of Govari.

A. Section 112 Objections

Claims 1, 2, 6, 12, 21, 29, 31, 37, 38 and 42 were subject to an objection for informalities. The present non-narrowing amendments, as suggested by the Examiner, have been made to provide clarification and not for purposes of overcoming the prior art. Applicants respectfully submit that claims 1, 2, 6, 12, 21, 29, 31, 37, 38 and 42 are now in condition for allowance.

B. Section 102(e) Rejection under Anderson

Claims 1, 3, 6, 8, 12, 14, 21, 23, 29, 31, 42, 44 and 47 were rejected under 35 U.S.C. § 102(e) as being anticipated by Anderson. With regard to the Anderson reference, a 37 C.F.R. § 1.131 Declaration by J. Nelson Wright, co-inventor, is filed concurrently herewith. This Declaration establishes a date of invention prior to the earliest priority date of the Anderson reference and thus removes Anderson as a reference under §102(e). Accordingly, the §102(e) rejections of claims 1, 3, 6, 8, 12, 14, 21, 23, 29, 31, 42, 44 and 47 under Anderson are no longer appropriate and should be withdrawn.

C. Section 103(a) Rejections

Claims 2, 4, 5, 13, 15, 16, 22, 24, 26, 30, 32, 33, 43 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Amorai-Moriya. Claims 7, 9, 17, 25, and 34 were rejected under 35 U.S.C. § 103(a) as being

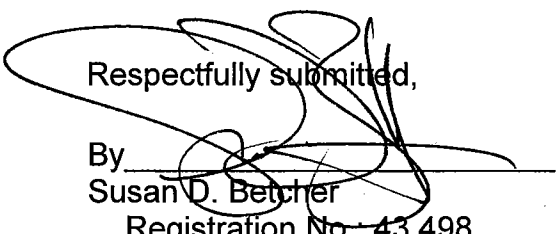
unpatentable over Anderson in view of Goldfine. Claims 10, 11, 18, 20, 28, 35, 37, 46 and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Govari. Claims 19, 27, 36 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Dumoulin. Claims 38 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Dumoulin. Claim 39 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Dumoulin and further in view of Goldfine. Claim 40 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Dumoulin and further in view of Govari. As described above, the attached 37 C.F.R. § 1.131 Declaration removes Anderson as a 102(e) reference against the pending claims. Furthermore, none of the secondary references provide support for a §103 rejection in the absence of the primary reference, namely, Anderson. Accordingly, applicants respectfully request that the Section 103(a) rejections of these claims be withdrawn.

In view of the foregoing, applicants believe the pending claims comply with 35 U.S.C. § 112 and are patentable over the applied art. The applicants accordingly request reconsideration of the application and respectfully submit that claims are in condition for allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Susan Betcher at (206) 359-6088.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 341148019US from which the undersigned is authorized to draw.

Dated: 12.1.08

Respectfully submitted,

By 
Susan D. Betcher
Registration No.: 43,498
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000
(206) 359-7198 (Fax)
Attorney for Applicant